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STATE OF MINNESOTA

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COUNTY OF HENNEPIN
Hate to see
HENNEPIN COUNTY DISTRICT
COURT ADMINISTRATOR

DISTRICT COURT

FOURTH JUDICIAL DISTRICT

In re: Court Administration Authority to Grant
Criminal and Traffic Defendants Sentence to Service or
Additional Time to Pay Fines, Fees ~~and/or Surcharges~~

STANDING ORDER

WHEREAS:

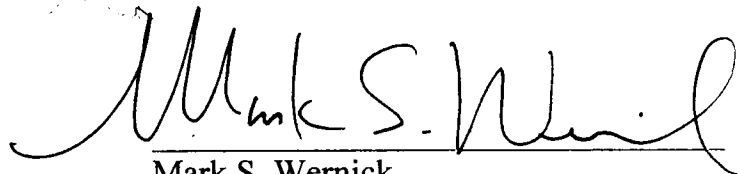
1. Effective July 1, 2009, fines, fees and surcharges in criminal and traffic cases will no longer be imposed in lieu of jail or imprisonment; rather, all unpaid fines, fees, and surcharges will be referred to collections. Minn. Stat. §§ 609.10, subd. 1; 609.104; and 609.125, subd. 1.
2. A defendant may contest a referral to collections for failure to pay fines, fees, and/or surcharges by requesting a hearing no later than the due date of the fine. Minn. Stat. § 609.104, subd. 1(b). The Court finds that in gross misdemeanor and misdemeanor cases, such hearings should be held before hearing officers in the violations bureau.
3. The statutory provisions cited above do not limit a court's authority to extend the time by which payment of a fine, fee and/or surcharge is due.
4. Paragraphs 1 – 3 of the Order below reflect the Hennepin County District Court Administrator's pre-July 1, 2009, policies regarding Sentence to Service (STS) in lieu of fines, fees, and/or surcharges and granting defendants additional time to pay fines, fees, and/or surcharges. Those policies should remain in effect.

THEREFORE, IT IS HEREBY ORDERED:

1. Unless otherwise ordered by a judge, the Court Administrator shall allow a defendant to participate in STS in lieu of paying a fine, fee and/or surcharge that was imposed on any offense level if the amount of the fine, fee and/or surcharge due is \$300 or less per case. One day of STS shall satisfy no more than \$100 of the fine, fee and/or surcharge.
2. At the time a fine, fee, and/or surcharge is imposed and as directed by the judge, the judge's staff shall be responsible for preparing the documents reflecting the time allowed to pay a fine, fee and/or surcharge and any payment plan.

3. Unless otherwise ordered by a judge, the Court Administrator shall grant a defendant additional time to pay fines, fees, and/or surcharges for any level of offense if the defendant has paid 50% of the total amount due or \$100, whichever is less, on or before the due date for the fine, fee, and/or surcharge.
4. A defendant wishing to contest a referral to collections shall file a motion in district court before the due date of the fine, fee and/or surcharge setting forth the reasons for nonpayment and the relief requested. In gross misdemeanor, misdemeanor and petty misdemeanor cases, the Court Administrator shall schedule a hearing before a hearing officer in the traffic violations bureau. The hearing officer will hear and decide the defendant's motion. In felony cases, the Court Administrator shall schedule a hearing before the sentencing judge.
5. The foregoing authority granted to the Court Administrator does not apply to prosecution costs.

Dated: October 12, 2009



Mark S. Wernick
Presiding Judge, Criminal Division
Fourth Judicial District

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HENN. CO. DISTRICT
COURT ADMINISTRATOR